ശ്രീ. എ. ജെ. ജാൺ: ഇതുസംബന്ധിച്ചുള്ള ആക്റ്റ് ഉത്തരപ്രദേശ്, മദ്ധ്യപ്രദേശ് തുടങ്ങി പല സ്ഥലങ്ങളിലും പാസാക്കിയിട്ടുണ്ട്. കഴിയുന്നതും വേഗത്തിൽ ഇവിടെയും പാസാക്കിയാൽ കൊള്ളാം. അതുകൊണ്ട് പത്തുദിവസത്തിനകം റിപ്പോർട്ട ചെയ്യത്തക്കവണ്ണം സെലക്റ്റ കമ്മിറ്റി [illegible]. I leave it to the sense of the House.

SHRI P. S. NATARAJA PILLAI: If an earlier date is fixed, we have no objection.

SHRI A. J. JOHN: Then it may be reported within ten days.

The motion was put and carried.

The Travancore-Cochin Court of WardsBill.

Home Minister (SHRI A. J. JOHN): Sir, I beg to introduce the Travancore-Cochin Court of Wards Bill.

Minister for Health (SHRI A. A. RAHIM): I second it.

MR. DEPUTY SPEAKER: The Bill stands introduced.

SHRI A. J. JOHN: Sir, The law relating to Court of Wards applicable to the Travancore area of the State is contained in the Travancore Court of Wards Act, V of 1110 and in the Cochin Court of Wards Act, XIII of 1097 applicable to the Cochin area. In order to have a uniform law on the subject applicable to the whole State, a Bill was introduced in the Legislative Assembly in 1953 and was referred to a Select Committee. The Committee revised the Bill and before their report could be presented to the Legislative Assembly the then Assembly was dissolved and the Bill lapsed.

The present Bill is mainly based on the said Bill as revised by the Select Committee. Most of the changes suggested by the Select Committee have been accepted and incorporated in the present Bill.

The main differences between the present Bill and the existing enactments are the following:—

(1) Section 3 of the Travancore Act provides that the age of majority for wards shall be 21. This provision has been omitted in the Bill since the Indian Majority Act which has been extended to this State contains provision for the purpose.

(2) Under Section 5 of the Travancore Act the Court of Wards shall consist of five members, official or non-official

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to be nominated by the Government. Under Section 5 of the Cochin Act the Court shall consist of the Collector and two other persons nominated by the Government. In the Bill, provision has been made for constituting the Board of Revenue as the Court of Wards and consequential provisions have been accordingly made in the Bill (clause 3).

(3) Section 16 of the Travancore Act makes provision for the taking over by the Court of the superintendence of the property of any Marumakkathayam Tarwad or of any Hindu undivided family. There is no such provision in the Cochin Act. The Travancore provision has been retained in the Bill (clause 15).

(4) Section 17 of the Travancore Act enables the proprietor himself to apply for bringing his properties under the superintendence of the Court. There is no such provision in the Cochin Act. The provision in the Travancore Act has been retained in the Bill (clause 16).

(5) Section 31 of the Travancore Act *inter alia* provides that the surplus income of the Ward may be invested in such public securities as may be specified by the Government from time to time. Under the corresponding provision in the Cochin Act (Section 31) certain securities have been specifically enumerated. The Cochin provision has been adopted in clause 30 of the Bill.

(6) There is no provision in the Travancore Act corresponding to Section 41 of the Cochin Act which provides for preserving the mortgaged properties of Ward. The provision in the Cochin Act has been adopted in the Bill (clause 40).

(7) Sections 63 to 75 of the Cochin Act provide for the transfer of decrees which are capable of execution by sale of any immovable property of the Ward to such officer to be specified by Government for execution. These provisions are based on the provisions of the third schedule to the Code of Civil Procedure 1908 which provides for the transfer of decrees for execution by Collectors. The schedule is now proposed to be repealed by the Code of Civil Procedure (Amendment) Bill now pending before Parliament on the ground that such a provision for transfer does not serve any useful purpose in the present set up. Accordingly these provisions have been omitted in the Bill.

(8) Section 49 of the Travancore Act provides for the release from superintendence of the properties of the Ward

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[Shri A. J. John]

in certain circumstances. The Act does not provide for release on a written request by the proprietor. In the actual experience the necessity for such a provision has been felt and accordingly suitable provision has been made in clause 49.

SHRI P. S. NATARAJA PILLAI: Is it not to be referred to a Select Committee?

SHRI A. J. JOHN: Yes, the Bill is to be referred to a Select Committee consisting of the following members:

1. Shri K. M. George
2. „ M. P. Chandrasekharan Pillai
3. „ V. K. Achutha Menon
4. „ A. M. Simon
5. „ P. R. Madhavan Pillai
6. „ T. A. Majeed
7. „ K. Chandrasekhara Sastri
8. „ P. Viswambharan
9. „ M. V. Cheriyan, and
10. the Mover.

The quorum will be four and the report will be submitted in due course.

SHRI A. A. RAHIM: I second it.

MR. DEPUTY SPEAKER: The question is that the Travancore-Cochin Court of Wards Bill be referred to a Select Committee consisting of:

1. Shri K. M. George
2. „ M. P. Chandrasekharan Pillai
3. „ V. K. Achutha Menon
4. „ A. M. Simon
5. „ P. R. Madhavan Pillai
6. „ T. A. Majeed
7. „ K. Chandrasekhara Sastri
8. „ P. Viswambharan
9. „ M. V. Cheriyan, and
10. the Mover.

The quorum being four

The motion was put and carried.

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